

# **EXHIBIT C**

[Submitting counsel below]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

**IN RE: UBER TECHNOLOGIES, INC.,  
PASSENGER SEXUAL ASSAULT  
LITIGATION**

No. 3:23-md-03084-CRB

**DECLARATION OF MARLENE J.  
GOLDENBERG IN SUPPORT OF  
PLAINTIFFS' PTO 8 LETTER BRIEF  
REGARDING CUSTODIAL FILES**

This Document Relates to:  
All Cases

I, Marlene J. Goldenberg, declare and state as follows:

1. I submit this Declaration in support of Plaintiffs' PTO 8 Letter Brief regarding Custodial Files.

2. I participated in meet and confer discussions with counsel for Uber to discuss discovery status, including search terms and custodians, on the following dates: May 7, 2024; May 10, 2024; May 16, 2024; May 20, 2024; and May 24, 2024.

3. On April 26, 2024, Uber provided Plaintiffs with a list of 29 custodians that Uber represented as meeting their discovery obligations in this case. At no time prior to Uber's May 30, 2024 email (attached as Exhibit 6 to the June 7, 2024 Luhana Declaration), did Uber seek Plaintiffs' position on Uber's custodians or ask whether Plaintiffs "accepted" or "rejected" any of Uber's proposed custodians individual or collectively. Nor did Uber offer to provide additional information about their selections or otherwise attempt to engage on the merits of their selections.

1 However, Plaintiffs continually communicated to Uber that its list of 29 proposed custodians was  
2 insufficient to meet the needs of this litigation. Uber was unwilling to engage in further  
3 discussion regarding their proposed list of custodians, aside from insisting they had done their due  
4 diligence and that their proposal met their discovery obligations.

5  
6 4. On May 3, 2024, Plaintiffs provided Uber with a list of 100 custodians that  
7 Plaintiffs believed most likely to possess information responsive to Plaintiffs' First Requests for  
8 Production. During meet and confer discussions on May 7, May 16, May 20, and May 24,  
9 Plaintiffs asked Uber to provide Uber's position on Plaintiffs' custodian list. On each occasion,  
10 Uber answered that it was unprepared to discuss Plaintiffs' custodians. To date, Uber has not  
11 attempted to engage on the merits of any of Plaintiffs' proposed custodians.

12  
13 5. On May 16, 2024, Plaintiffs asked Uber to provide their rationale for choosing  
14 their custodians, as required by the ESI Order (ECF 524). In response, Uber asked Plaintiffs to  
15 provide Plaintiffs' rationale for Plaintiffs' custodian selections. Prior to this time, Uber had not  
16 indicated the need for any additional information from Plaintiffs in order for Uber to be in a  
17 position to review Plaintiffs' custodian proposals. Since this time, Uber has not asked Plaintiffs to  
18 provide any additional information regarding Plaintiffs' custodian proposals.

19  
20 6. At no time during the meet and confer process since April 26 to present has Uber  
21 sought or offered to engage in discussions about the work duties, titles, or reasons why individual  
22 custodians might have relevant (or duplicative) information, aside from a broad-brush explanation  
23 that their chosen custodians cover various areas, including safety and marketing, and are  
24 sufficient to respond to Plaintiffs' allegations. Nor has Uber offered to engage in identifying  
25 which of Plaintiff's proposed custodians might be better than Uber's proposed custodians, or to  
26 address any gaps in coverage.

27  
28 I declare under penalty of perjury that the foregoing is true and correct. Executed on June

1 7, 2024, in New York, New York.

/s/ Marlene J. Goldenberg

Marlene J. Goldenberg

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